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Atty. Dkt. No. 016754-0206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. ANDERSON *et al.*

Title: ENZYME TREATMENT

Serial No.: 09/731,971

Patent No.: 6,780,628

Filing Date: 12/8/00

Grant Date 8/24/04

Examiner: Manjunath N. RAO

Art Unit: 1652

PETITION TO CORRECT PATENT TERM ADJUSTMENT

PURSUANT TO 37 CFR §1.705

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests reconsideration of the patent term adjustment included with the Letters Patent dated August 24, 2004. Applicant believes the total PTA should be 170 days rather than the listed 58 days. The applicant was assessed applicant delays (APPL) of 112 days for filing a Response to Examiner's Statement for Reasons for Allowance.

Applicants filed a Response to Examiner's Statement of Reasons for Allowance along with payment of the Issue fee on May 5, 2004. According to 37 CFR §1.704(c)(10), the filing of this statement is not considered a failure to engage in responsible efforts to conclude examination. Therefore, Applicants should not been assessed 112 days for filing such a Response.

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Applicant agrees with the remaining PTA assessments. Therefore, PTO delays of 260 days less APPL delays of 90 days results in total PTA of 170 days.

For these reasons, applicant respectfully requests that the total PTA be increased from 58 days to 170.

The required fee of \$200.00 is enclosed. The Commissioner is authorized to charge or credit any under or overpayment to Deposit Account No. 19-0741.

Respectfully submitted,

By J. A. Bent

Date October 22, 2004

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